



# JOHNSON CITY HISTORIC ZONING COMMISSION

## HANDBOOK

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## JOHNSON CITY HISTORIC ZONING COMMISSION

### ABOUT THE COMMISSION

In 1999, the City of Johnson City Board of Commissioners adopted an ordinance creating historic zoning and authorizing the creation of the Johnson City Historic Zoning Commission (HZC). The seven member commission was authorized to review all permit applications for alterations, new construction, relocation, and demolition within areas designated as historic zoning districts, to determine the appropriateness of the proposed work and preserve the area's buildings and character.

The HZC is staffed by a representative from the Johnson City Development Services Department, specifically someone in the Planning Division. They administer the day-to-day activities of historic zoning by meeting with and advising property owners on the appropriateness of proposed work; giving technical advice on rehabilitation matters; keeping records; monitoring work in progress; preparing public information newsletters, reports and slide programs; guiding neighborhoods through the overlay designation process; and helping neighborhoods develop design guidelines. The staff compiles technical information on the best practices, methods, and materials utilized by preservation professionals across the county, to share with property owners and contractors.

The City of Johnson City is also a Certified Local Government (CLG) through the State Historic Preservation Office (SHPO), The Tennessee Historical Commission. The CLG Program is a federal program established through the 1980 and 1992 amendments to the National Historic Preservation Act, and has become a cost-effective local, state and federal partnership. Local communities must meet certain criteria and be certified for this program in order to benefit from the federal assistance and resources.

The office is a member of, and frequently partners with the Tennessee Preservation Trust, the National Alliance for Preservation Commissions and the National Trust for Historic Preservation.



# TENNESSEE PRESERVATION TRUST

## ABOUT THE COMMISSION

### WHAT IS HISTORIC ZONING?

*Listing in the **National Register of Historic Places** is a different designation from Historic Zoning, in that it is honorary and does not change property rights. However, most properties that are listed in the National Register are also in a Historic Overlay.*

Historic zoning is a tool to protect the architectural character of Johnson City's historic neighborhoods by managing growth and change. A zoning overlay is in addition to the base or land-use zoning of an area. Neighborhoods in more than two thousand towns in the United States use historic overlays as a tool to protect their unique architectural character.

There are quantifiable reasons for historic zoning: neighborhoods have greater control over development; stabilizes property values; decreases the risk of investing in one's house; promotes heritage tourism; protects viable urban housing stock; preserves natural resources by conserving building materials. There are less quantifiable reasons, but equally important, reasons for historic zoning: it protects our past for future generations, it nurtures a sense of community and it provides a sense of place.

Most property owners desire a historic zoning overlay because it maintains property value and protects investments.

#### **What is the process for obtaining historic zoning?**

The process for acquiring historic zoning is initiated by neighborhood residents. After extensive public input, final approval of the designation is given by the Johnson City Board of Commissioners with the adoption of an ordinance and Design Guidelines.

#### **What types of historic zoning are available?**

There are three types of historic overlays which differ based on the level of protection and review.

- Historic Landmark Overlay: A landmark overlay is an individual property or "campus" of special significance and is the most restrictive of the historic zoning overlays.
- Historic District Overlay: A historic district overlay provides for a great deal of protection for a neighborhood by regulating the majority of exterior alterations.
- Neighborhood Conservation Overlay: A neighborhood conservation overlay *can be* the least restrictive type and tends to guide change only for new construction, additions, demolitions or moving structures. This overlay can be tailored to a specific area.

#### **How does historic zoning work?**

If your property has a historic overlay, you will need to obtain a Certificate of Appropriateness (CofA) prior to beginning any type of exterior changes. Which alterations require a CofA will depend on the type of overlay. The CofA must be issued prior to a building permit being pulled for any work. The Design Guidelines for each district will assist in determining if you need a CofA.

## DESIGNATION PROCESS

An interested person or group, usually a neighborhood organization, investigates the need for historic zoning by discussing the possibility with the HZC staff. In conjunction with staff, proposed boundaries are explored based on the historical and architectural merit of the area and on owner support; draft design guidelines are developed based on the Secretary of Interior Standards. The HZC staff meets with the group and area property owners to explain historic zoning and answer any questions.

The first official step in obtaining designation is for the staff to file a rezoning application with the Johnson City Planning Division. The application should include a map with specific boundaries of the proposal and identification of the type of overlay requested: Historic District, Neighborhood Conservation, or Landmark. A letter from the neighborhood organization stating that the organization agrees with the proposal and a petition, signed by property owners within the area should be submitted with the application or as soon as possible.

Next, the HZC will consider the application at their regular meeting and send their recommendation forward to the Planning Commission. Followed by this, the Johnson City Regional Planning Commission will consider the request at their regular meeting and forward on their recommendation to the City Commission.

Finally, an ordinance designating the district is introduced in the Johnson City Board of Commissioners. The ordinance must pass three readings and must be heard on a public hearing on the second reading.

Upon designation or before, the HZC staff compiles an inventory of all the buildings and features in the area. The inventory provides the HZC with an official visual record of the area's buildings at the time of designation. This record is used to guide the commission in considering the appropriateness of proposed projects and serves as a base for future record-keeping.

*All buildings and structures within an overlay are considered **'contributing'**, meaning they contribute to the historic character of the district or **'non-contributing'**, which means they do not contribute because of age, condition, and/or alterations.*

## THE DESIGNATION PROCESS



## PERMIT PROCESS

### WHAT?

You will need a Certificate of Appropriateness if you plan to:

**BUILD** a new structure,  
**ADD** to an existing building,  
**DEMOLISH** a structure in whole or in part,  
**RELOCATE** a STRUCTURE,  
**EXTERIOR REPAIR OR ALTERATION**

### HOW MUCH?

There is no fee for a Certificate of Appropriateness but there may be for the building or demolition permit. The fees are based upon the type and value of the work done, and will be charged to you by the Codes Department when you apply for your building permit.

### WHEN?

If your project is scheduled for an HZC meeting, it meets the fourth Tuesday of each month at 12:00 pm in the Administrative Conference Room at City Hall. The deadline for submitting complete applications is the 15<sup>th</sup> day of the month of the meeting you wish to be heard. Projects that may be administratively reviewed are often at the time of application. Meeting dates and deadlines may be changed to avoid holidays.

### HOW?

#### 1. Meet/Contact us

Contact the HZC staff at 423.434.6073 or [myoung@johnsoncitytn.org](mailto:myoung@johnsoncitytn.org) to confirm that the HZC needs to review your project, and if so make an appointment to discuss with staff if necessary. We are pleased to meet with you at any point during your planning process; however, we encourage you to meet with us early.

#### 2. Submit application

Applications can be found on our website at: [www.johnsoncitytn.org/devservices/planning/historic/certificate](http://www.johnsoncitytn.org/devservices/planning/historic/certificate) and clicking “here” at the bottom of the page. This form must be accompanied by elevation drawings, specifications, or any other appropriate supporting information. You may email your application to [myoung@johnsoncitytn.org](mailto:myoung@johnsoncitytn.org) or bring it by the Planning Division office at 601 E. Main Street Johnson City, TN 37605.

#### 3. HZC Meeting/Permits

Once a complete application is received, it will be placed on the agenda for the next HZC meeting. Some projects can be reviewed administratively, which usually results in receiving your CofA the same day. Otherwise, your CofA will be emailed or mailed to you within 2 days of the HZC meeting, unless the decision is disapproved or requires additional information to be submitted.

#### 4. Submit Building Permit Application

Most projects also require a permit from the Codes Division before you can begin work. Obtaining CofA approval must be completed before a permit may be issued. You may choose to go ahead and apply for the permit; however, it will not be issued until a CofA has been approved for the project. For permits to remain valid, work must begin within six months of the date of issue.

#### WHAT ELSE DO I NEED TO KNOW?

All proposed work must also conform to the City of Johnson City Zoning Code. You may find the Code at our website by visiting: [www.johnsoncitytn.org/documents/?doc=zoningcodes](http://www.johnsoncitytn.org/documents/?doc=zoningcodes) . If you have any questions regarding the Zoning Code please contact the Planning Division at 423.434.6073.

NOTE: Subject work done without a CofA is in violation of the Historic/Conservation Zoning Overlay Ordinance. Like other ordinances, this is a legal document. Appeals to the HZC can be made to Chancery Court.

## APPLICATION GUIDANCE

### AVAILABLE APPLICATION ASSISTANCE

The HZC staff often meets with property owners at our office or on-site to discuss an application or just to provide advice. We have resources available to the public on assisting with design decisions. For more information call 423.434.6073 or email [myoung@johnsoncitytn.org](mailto:myoung@johnsoncitytn.org).

### WHAT SHOULD I INCLUDE?

What you need to include depends on your project, but a good rule of thumb is to consider what the HZC will need to fully understand your project. Here are the minimum requirements. All drawings must be no larger than 11 x 17 and MUST include dimensions.

#### NEW CONSTRUCTION

- Site plan showing the entire lot with property lines and with all setbacks clearly noted. It should show all associated site improvements, e.g. sidewalks, lighting, pavement, etc. For infill projects, the footprints of the abutting properties should be shown in relation to the proposed building.
- Elevation drawings of each façade with major dimensions and materials specified. For additions, existing and proposed areas should be clearly delineated.
- Current photographs of building or site.
- Materials list for new construction, e.g. brick, glass, stone.
- Design sketches of doors, windows, lighting and other features.
- Anything else deemed necessary by the HZC to determine the appropriateness of the new construction.

#### REHABILITATION

- Current photograph of building façade that is being proposed to change.
- Materials list including any new materials to be introduced into the building.
- Designs of new doors, windows, light fixtures, awnings, signs, etc. These can be hand drawn as well.
- Location of all proposed changes noted on the building photographs.



*Example of Location of all proposed changes to be submitted with application.*

*Drawings are not required to be done by a licensed Architect or Engineer but they do need to show dimensions and all detail required for approval.*

**DEMOLITION**

- Written description of the structure's condition and reason for demolition.
- Photographs of the current structure's condition showing all elevations, interior, accessory buildings and site features.
- Describe the proposed reuse of the site, including plans of any proposed new structures.

**ECONOMIC HARDSHIP**

*Any applicant denied a CofA by the HZC within thirty (30) days thereafter and any applicant seeking demolition of a landmark or contributing structure within a district may make an application for a Certificate of Economic Hardship from the Commission.*

- The economic hardship process is to determine the economic hardship of the property, not the property owner.
- Assessed value of the property and/or the structure.
- For the previous two (2) years, the real property taxes paid.
- The amount paid for the property by the owner, the date of purchase, the name of the party from whom it was purchased, and a description of the relationship, if any, between the current owner and the previous owner.
- The current balance of any mortgage or any other financing secured by the property owner and the annual debt service, if any, for the previous two (2) years.
- All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or state that none were obtained.
- All listings of the property for sale or rent, price asked and offered received, if any, within the previous four (4) years, or state that none were obtained.
- All studies commissioned by the owners as to profitable renovation, rehabilitation, or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
- For income producing property, itemized income and expense statements from the property for the previous two (2) years.
- Estimate of the cost of proposed alteration, construction, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for it to approve a CofA.
- Form of ownership or operation of the property, whether sole proprietorship, for-profit, or not-for-profit Corporation, limited partnership, joint venture, or other.



## MEETING GUIDANCE

### FEE

There is no fee for a Certificate of Appropriateness.

### WHO?

The Johnson City Historic Zoning Commission meetings are open to the public and anyone is welcome to attend. If you require special accommodations we ask that you contact us at 423.434.6073 prior to the meeting so we may make arrangements.

*Meetings dates and times are always subject to change, provided that the appropriate notification goes out. To view the most up to date meeting days and times you can view the City Calendar at [www.johnsoncitytn.org/events](http://www.johnsoncitytn.org/events)*

### WHAT?

Meeting agendas and minutes are posted on the Johnson City website at [www.johnsoncitytn.org/devservices/planning/historic/](http://www.johnsoncitytn.org/devservices/planning/historic/). The meeting process is as follows:

1. The Chairman, or such person directed by the Chairman, shall give a preliminary statement concerning the application.
2. The applicant shall present the argument in support of his/her application. The applicant will have a maximum of five (5) minutes for his/her presentation.
3. Staff will provide a presentation regarding how the proposed application meets or does not meet the Design Guidelines and a recommendation to approve, deny, or defer the application.
4. Members of the public will have two (2) minutes each to comment on the application. Anyone representing an organization or group, such as a neighborhood association will have five (5) minutes to comment. Please state your name and address for the record prior to making your comments. Comments may also be sent to our office via fax, email or postal service.
5. The applicant will have an opportunity for rebuttal.
6. The Chairman will close the public hearing after all comments have been made.
7. The HZC will make a decision to approve, deny or defer.

### WHERE

The Johnson City Historic Zoning Commission meets in the Administrative Conference Room of the Municipal and Safety Building on the fourth Tuesday of the month at 12:00 pm.

**HOW SHOULD I PREPARE?**

If you ARE the applicant:

- Staff recommendations are available one (1) week prior to the meeting. Please contact the HZC staff at [myoung@johnsoncitytn.org](mailto:myoung@johnsoncitytn.org) or 423.434.6073 to obtain a copy of the staff recommendation for your project.
- Make notes and organize them so you are able to cover all aspects of the project that are important to you during the presentation.
- The Commission will not accept anything new at the public hearing so be sure to submit everything you want them to see by the application deadline.
- You may bring additional materials to help explain your project, such as photographs that were not available by the application deadline.
- If you bring printed material, please bring 8 copies.

If you are NOT the applicant:

- Staff recommendations are available one (1) week prior to the meeting. Please contact the HZC staff at [myoung@johnsoncitytn.org](mailto:myoung@johnsoncitytn.org) or 423.434.6073 to obtain a copy of the staff recommendation for a particular project.
- If you would like to speak about a project, please have all your comments ready to share within the two minute time limit. Comments may also be sent to the office in advance via email, fax or postal service.
- If multiple people wish to speak on the same topic, consider selecting one spokesperson to speak for all of you.

**WHAT IF I DO NOT LIKE THE DECISION?**

If your project was denied, you may submit a new application for a new project. Staff can assist you with advice on how to alter the application so that it meets the design guidelines.

You may also appeal. Appeals to a decision of the HZC can be taken to a court of competent jurisdiction as provided for by law. The HZC cannot help with the details or provide legal advice to persons wishing to appeal.

**AFTER THE DECISION**

After the HZC meeting, Staff will provide you with a Certificate of Appropriateness or a Notice of Disapproval. The CofA will be emailed or mailed to you within two (2) days of the HZC meeting. A CofA will be required to obtain a Building Permit for your project. The HZC staff will monitor the progress of the work being done to ensure that it conforms with the work the CofA was issued for.

## FOR MORE INFORMATION

*For more information on Historic Zoning including maps, design guidelines, and information regarding the National Register of Historic Places please visit our website at:*

[www.johnsoncitytn.org/devservices/planning/historic/](http://www.johnsoncitytn.org/devservices/planning/historic/)

*The Staff of the Historic Zoning Commission is located at:*

*601 E. Main Street  
Johnson City, TN 37601*

*You may also reach them by phone at 423.434.6073 or by email at [myoung@johnsoncitytn.org](mailto:myoung@johnsoncitytn.org)*

## SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal changes to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means necessary.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.